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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/784,635

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Stuart Neale

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EXAMINER

YOO, JASSON H

ART UNIT

PAPER NUMBER

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/784,635	<b>Applicant(s)</b> NEALE ET AL.	
	<b>Examiner</b> Jasson H. Yoo	<b>Art Unit</b> 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 23 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>2/23/04</u> . | 6) <input type="checkbox"/> Other: _____  |

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## **DETAILED ACTION**

### ***Oath/Declaration***

The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02. The correct statement should read the following: "I acknowledge the duty to disclose information which is material to patentability of this application in accordance with Title 37, Code of Federal Regulations Section 1.56."

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2, 7-25 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Brim et al. (US 5,118,105).

The claims are broad enough to read on any game score-tracking device. An example of game score-tracking device is Brim's bowling statistics display system.

Claims 1, 22-25. Brim discloses a bowling static display system that tracks and records the players, the player's score, and the game stats in real-

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time (Fig. 1). A manager's interface (26 in Fig. 1, Fig 2, cols. 7:57-8:6) and a player's interface (21 in Fig.1 and Fig. 3) are used to select entries regarding the bowling game (col. 25:25-27:15). The bowling static display system responds to the player's entry to establish an occurrence of a particular event during the sports contest (such as the game score, cols. 26:16-33, 26:57-27:15), and store the information in a database (stored in systems memory, see abstract).

Claim 2. Brim discloses the user interface includes a keyboard (Fig. 15)

Claim 7. Brim discloses the user interface includes a display (monitor, 22 in Fig. 1).

Claim 8. Brim discloses the computer program interactively prompts the user for an input and provides said choices available on said display (col. 26:16-33).

Claim 9. Brim discloses the computer program is operable to allow a user to correct an incorrect input (user can correct data, col. 9:29-45).

Claim 10. Brim discloses the database includes pre-selected information indicative of recognizable events for the sports contest (Bowling system in Fig.1 inherently has pre-selected information indicative of recognizable events for the bowling contest and col. 26:64-66).

Claim 11. Brim discloses the database includes pre-selected information indicative of recognizable players (Once the player's information, such as player's name, is entered, the database stores the information for the rounds of the game, cols. 26:16-33, 26:57-27:15.).

Claim 12. Brim discloses the system includes remotely accessible information regarding the sports contest and wherein said computer is programmed to obtain said remotely accessible information prior to commencement of the sports event and to store said information in said database (game program is downloaded from manager's computer, cols. 3:3-7, 27:4-6).

Claim 13. Brim discloses the computer is programmed to send information regarding the sports contest to remote computers (cols. 3:3-7, 3:55-57, 4:51-5:2, 27:4-6).

Claim 14. Brim discloses the selectable entries available at step (a) are dependent upon the status of the sports contest (col. 26:16-33).

Claim 15. Brim discloses step (a) includes the step of determining the entries available for selection based upon data stored in said database (i.e.

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changes to perform score correction on score that are stored on the database, col. 26:16-33).

Claim 16. Brim discloses step (a) includes the step of selecting at least one player to leave the sports contest (setting a new game when one player leaves the previous game, cols. 26:57-27:15).

Claim 17. Brim discloses step (a) further includes the step of selecting at least one player to enter the sports contest (cols. 26:57-27:15).

Claim 18. Brim discloses a reporting module operable to interact with a user through said user interface to interactively access information from said database to produce reports related to said sports contest (user interacts using the keyboard and monitor, cols. 26:16-27:15).

Claim 19. Brim discloses a recording portion that stores a recording of the sports contest, said recording being time synchronized with the data stored in said database (Users input are time synchronized with the data stored in the database, col. 25:26-27:15. The data are stored when the user inputs the data. Furthermore, game play data such as game score are time synchronized with the data stored in the database, cols. 2:67-3:2, 32:51-35:21).

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Claim 20. Brim discloses a location sensing portion and said computer program further comprising a motion module, said location sensing portion operable to relay spatial position information related to the sports contest to said motion module, said motion module operable to translate said spatial position information into data related to the sports contest storable in said database (pin location sensor, and player location sensor, and ball trigger sensor, cols 10:57-67. 11:47).

Claim 21. See claim 1 above. Furthermore Brim discloses the user inputs are types of possession input (User can input information to change possession of game scores. Furthermore, user can input ball or turn possession by skipping a bowler using the button "skip bowler", 366 in Fig. 15.).

Claims 1-2, 7-11, 14-19, 21-25 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Nickerson (US 6,041,266).

See Figs. 1-4.

Claims 1, 7-8, 10-25 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by (US 6,710,713).

See col. 2:41-57.

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***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brim et al. (US 5,118,105).

Claims 3-6. Brim discloses the claimed invention as discussed above. Brim further discloses a user input device such as a keyboard is used for the real-time tracking and recording system. However, Brim fail to specifically teaches a mouse, a touch sensitive screen, a stylus, and an audio input is used as the user interface. Nevertheless a mouse, a touch sensitive screen, a stylus, and an audio input are well known user interfaces. Such interfaces are many times used together or interchangeably in order to facilitate a user to input data onto a computer. Therefore it will be obvious to one of ordinary skill in the art to incorporate different user input devices in order to improve the system for real-time tracking and recording of event in a sport contest as thought about Brim for the predictable result of facilitating the user to input data onto the system.



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***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following discloses the claimed invention:

US 5,198,976; US 5,507,485; US 6,631,522; US 5,593,349; US  
2005/0075153; US 2003/0112354


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jasson H. Yoo whose telephone number is (571)272-5563. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan M. Thai can be reached on (571)272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JHY



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